

LAW OFFICES

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SCANNED

DATE: 2-4-05

BY: [Signature]

FILED  
IN CLERKS OFFICE

2005 FEB -3 P 12:32

U.S. DISTRICT COURT  
DISTRICT OF MASS.

February 2, 2005

Thomas Quinn  
Courtroom Deputy to the  
Honorable Judith G. Dein  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: United States v. Peter Maggio  
Criminal No. 04-10231-MLW

Dear Mr. Quinn:

Please be advised this will confirm our telephone conversation of even date.

More particularly, undersigned counsel, a sole practitioner will be unavailable to appear on February 18, 2004 at 11:00 a.m. for the status conference scheduled in the above referenced matter.

I have had an opportunity to discuss this matter with Assistant United States Attorney Victor Wild, and Joseph Oteri, counsel for one of the co-defendants.

Victor Wild has no objection to my being excused from the status conference, and Attorney Joseph Oteri has graciously agreed to stand in for me, in my absence.

I would respectfully bring to the Court's attention that the reason I will be out of town is because of a last minute snafu concerning airline tickets, for a previously planned vacation with my family.

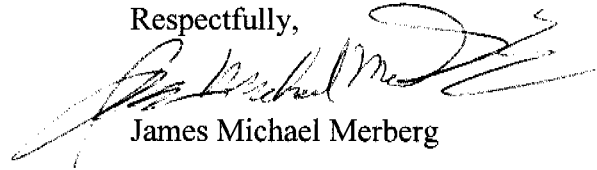
Lastly, I would respectfully ask that you bring to the Court's attention that there are ongoing plea negotiations between Mr. Maggio and the Government, which in all likelihood will result in the matter being resolved without a trial.

LAW OFFICES

**JAMES MICHAEL MERBERG**

Thank you for your assistance.

Respectfully,

A handwritten signature in black ink, appearing to read "James Michael Merberg", written over a horizontal line.

James Michael Merberg

cc: Victor A. Wild, Esquire  
Assistant United States Attorney  
Office of the United States Attorney  
U.S. Courthouse, Suite 9200  
1 Courthouse Way  
Boston, MA 02210

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